

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

KATTIE WASHINGTON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 10-0395-CV-W-ODS
)	
AT&T CORP.,)	
)	
Defendant.)	

ORDER AND OPINION GRANTING DEFENDANT'S MOTION TO DISMISS AND
DISMISSING CASE WITHOUT PREJUDICE

Pending is Defendant's Motion to Dismiss. The Court agrees that this suit is unnecessary in light of another pending suit initiated by Plaintiff, so the motion (Doc. # 6) is granted.

Plaintiff, acting pro se, filed a suit against Defendant; the case is number 09-CV-0811-W-ODS. An attorney later entered an appearance. However, Plaintiff's filings referred to Title VII of the Civil Rights Act, and the Court granted Defendant's motion to dismiss Plaintiff's Title VII claims because she had not presented them to the EEOC. Plaintiff's ADA was not dismissed because it had been presented to the EEOC, and Plaintiff's FMLA, and section 1981 claims were not dismissed because they did not need to be presented to the EEOC.

Plaintiff initiated this suit on April 22, 2010; the Complaint looks virtually the same as the Third Amended Complaint Plaintiff filed in Case No. 09-0811. Defendant contends this suit is duplicative and should be dismissed. Plaintiff explains she was concerned that the Court's dismissal of the Title VII claims "could be construed as applicable to plaintiff's ADA claims." Plaintiff then declares that so long as the dismissal of Title VII claims from Case No. 09-0811 "is clearly stated not to be applicable to the plaintiff's ADA claims then plaintiff has no objection to the dismissal of this instant matter." As noted, the Court specified that the ADA claim was not dismissed, so

Plaintiff's concern is unfounded. This case is duplicative and unnecessary, so it is dismissed.

IT IS SO ORDERED.

DATE: August 24, 2010

/s/ Ortrie D. Smith _____
ORTRIE D. SMITH, JUDGE
UNITED STATES DISTRICT COURT